
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
San Gabriel Transit Inc.)	File No. EB-FIELDWR-13-00006976
Licensee of Station WPMY670)	
Palos Verdes, California)	NOV No. V201332900012
)	

NOTICE OF VIOLATION

Released: March 20, 2013

By the Acting District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to San Gabriel Transit Inc., licensee of radio station WPMY670 in Palos Verdes, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On July 2, October 29, and December 11, 2012, agents of the Enforcement Bureau's Los Angeles Office monitored radio station WPMY670 located in Palos Verdes, California and observed the following violations:

- a. 47 C.F.R. § 90.403(c): "Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to Part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum." At the time of the investigation, agents observed that WPMY670 was transmitting on 152.450 MHz nearly continuously.
- b. 47 C.F.R. § 90.403(e) "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference." At the time of the investigation, agents monitored WPMY670 and observed a digitally modulated continuous signal on 152.450 MHz. These continuous transmissions from WPMY670 on 152.450 MHz with a bandwidth of 11.2

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

kHz interfered with communications of adjacent channel licensees centered on 152.4575 MHz. The agents observed no evidence of monitoring the transmitting frequency for communications in process or other measures to avoid interference by WPMY670.

- c. 47 C.F.R. § 90.425(a): “Stations licensed under this part shall transmit identification in accordance with the following provisions: (a) *Identification procedure*. Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section. If the station is employing either analog or digital voice scrambling, or non-voice emission, transmission of the required identification shall be in the unscrambled mode using A3E, F3E or G3E emission, or International Morse, with all encoding disabled.” At the time of the monitoring, no identification of the station was observed by the agents.

3. On January 25, 2013 an agent of the Los Angeles Office inspected radio station WPMY670 located on Palos Verdes, California and observed the following violation:

- a. 47 C.F.R. § 1.903(a): “*General rule*. Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” The WPMY670 license authorizes simplex transmissions on 152.450 MHz. At the time of the inspection the station was operating mobile units on 157.710 MHz, a frequency not authorized by the WPMY670 license.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, San Gabriel Transit Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

5. In accordance with Section 1.16 of the Rules, we direct San Gabriel Transit Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

Federal Communications Commission

dated by an authorized officer of San Gabriel Transit Inc. with personal knowledge of the representations provided in San Gabriel Transit Inc.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

7. This Notice shall be sent to San Gabriel Transit Inc. at its address of record.

8. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Margaret M. Egler
Acting District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).